

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**The Bank of New York, as Trustee for the
holders of the EQCC Asset Backed
Certificates, Series 2001-2**

Plaintiff,

vs.

Albert Wilson, et al.

Defendants.

Case No. 1:05-cv-02826

Judge Ann Aldrich

**ORDER CANCELLING SALE
PROCEEDINGS, VACATING
JUDGMENT, AND DISMISSING
CASE**

This matter is before the Court on the motion of Plaintiff for an order cancelling sale proceedings, vacating the judgment and decree of foreclosure entered in this case under Fed. R. Civ. P. 60(b)(5) and for an order dismissing this case under Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Court hereby grants Plaintiff's motion. The judgment and decree of foreclosure entered in this case are hereby vacated and this action is hereby dismissed without prejudice at Plaintiff's costs. The Clerk is hereby ordered to distribute \$500.00 from Plaintiff's deposit to master commissioner Terrence P. Kessler and to distribute the remaining \$252.00 to Plaintiff.

IT IS SO ORDERED.

s/Ann Aldrich (1-5-09)

Ann Aldrich
UNITED STATES DISTRICT JUDGE